

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 12, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:30 a.m., Friday, March 12, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Don W. Ashworth
Senator Jean E. Ford
Senator William J. Raggio
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBERS PRESENT:

Iris Parraguirre, Committee Secretary

SENATE BILL NO. 359:

Revises certain requirements for takeover bids affecting corporations.

Mr. Prince A. Hawkins, attorney from Reno, Nevada, stated the purpose of S. B. No. 359 is to reduce the disclosure requirement in the case of a tender offer. He explained that a tender offer is a situation where one corporation seeks to acquire another corporation not through a merger but simply by making an outright offer for a substantial portion of its stock. See Exhibit C attached hereto. He stated Nevada is one of the two national incorporating states, along with Delaware; therefore, it is important that Nevada law be up with Delaware where possible or a step ahead of it. Mr. Hawkins explained that the bill drafter did not copy his draft, which was taken from the S.E.C. Regulation, but improvised it with a new section 3 and did not put in expressly that the 30-day notice must not include the price and the number of shares. In order for S. B. No. 359 to be effective, it needs to be changed from the printed copy

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to include (g) as proposed by Mr. Hawkins. See copy of Exhibit D attached hereto. He stated the Nevada statute was held unconstitutional by Judge Thompson on February 13, 1981.

Chairman Close asked why Judge Thompson held the statute unconstitutional.

Mr. Hawkins replied the reason it was held unconstitutional was because of being in conflict with the S. E. C. If the S. E. C. establishes a rule one way and the Nevada legislature has a different rule, the rule of the Nevada legislature falls. He stated proposed S. B. No. 359 conforms with S. E. C. law. The Nevada statute applies to only Nevada corporations and that is the reason there are only approximately nine corporations involved.

Mr. Hawkins explained that the states do have regulatory authority to go beyond what the S. E. C. has done as long as it is not in direct conflict with the S. E. C.

Senator Keith Ashworth stated he was not in favor of not having a specific time limit set and asked whether Mr. Hawkins would agree to inserting 60 days in proposed S. B. No. 359. Mr. Hawkins replied he would check further but he did not feel there was any time limit on the duration of an offer.

Chairman Close asked Secretary of State Swackhamer if there was any reason why Nevada corporations not registered on the stock exchange should not have the same protection as the board registered securities. Mr. Swackhamer replied he could not see any reason they could not have. The law says it applies to any corporation incorporated under the laws of the state of Nevada. Chairman Close asked if there was any reason to keep subsection (e) in the statute to exclude local corporations from the protection of the takeover bids. Mr. Swackhamer said he could see no reason to exclude them.

Mr. Buster Sewell of the Secretary of State's office stated he was not that familiar with the S. E. C. Rules but Section 12 of the 1933 act are the reporting companies that report on a regular basis to the S. E. C. He stated he felt there were some over-the-counter Nevada corporations who are publicly traded that fall within the definition, not just the nine corporations which were listed, but he would have no way of knowing how many. Approximately 80 percent of the public corporations are incorporated in Delaware, mainly because of their case law. Mr. Swackhamer stated Nevada is gaining on Delaware because it takes less time and Nevada gives better service.

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Senator Hernstadt recommended amending Section 1, line 2 to read 20 days instead of 30 days.

Senator Raggio stated he did not feel there were that many situations that arise where there is a real takeover effort. Chairman Close stated it would give a local corporation the same protection as a national corporation.

Senator Raggio stated he would respect the statement and understanding of Mr. Hawkins since he helped write the corporation law in the state of Nevada.

Chairman Close stated S. B. No. 359 would be amended to add the language which Mr. Hawkins proposed as (g). (See Exhibit D.) The other change would be on page 2, line 29 to delete the number of days.

Senator Keith Ashworth stated he did not agree with deleting the number of days on line 29.

Senator Raggio explained that the number of shares has to be disclosed and the amount under the S. E. C. Rule at least five days prior to takeover. He felt if one of the purposes of the changes is to try to attract companies to the state of Nevada, it would not be consistent to put more severe limitations than are required in other states.

Senator Keith Ashworth stated if the purpose is to try to conform to S. E. C., it must be important to have a time certain for getting the shares of stock on deposit. He suggested using 60 days.

Senator Ford stated the reason for the change from 10 days to 7 days on line 32 on page 2 is covered in Mr. Hawkins letter, page 2. See Exhibit C attached hereto.

Chairman Close stated the brackets on lines 28 and 29 would be removed and the days would be changed from 35 to 60.

Senator Hernstadt suggested that on line 3, page 1, the words "public announcement" be added after the words "resident agent" or words to that effect so the takeover bid would be announced publicly.

SENATE BILL NO. 359

Senator Raggio moved to amend and Do Pass S. B. No. 359.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

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SENATE BILL NO. 357: (Exhibit L)

Provides for admission of evidence of transactions with deceased persons under certain circumstances.

Chairman Close stated S. B. No. 357 is the dead man's statute and has been contested over the past years. Approximately five or six years ago it was changed to read about as it reads now. If there is a conversation with a deceased person, that conversation can come into evidence if there is strong assurance of the accuracy of the conversation or corroborating evidence. Two years ago it was decided the dead man's statute should no longer be effective in Nevada and it was repealed. After research of the law, it was found that by repealing the law, the Common Law of England came into effect, which completely excluded conversations with deceased persons.

Chairman Close suggested amending S. B. No. 357 to state the Common Law of England shall not apply to the dead man's statute.

SENATE BILL NO. 357

Senator Raggio moved to amend and Do Pass S. B. No. 357.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 307:

Removes requirement for presentence report in certain cases.

Senator Raggio was advised that S. B. No. 307 was indefinitely postponed on March 9, 1981. He stated that a summary had been sent up by Judge Thompson at the time he saw the bill. See Exhibit E attached hereto.

Senator Hernstadt stated Mr. Bud Campos of the Department of Parole and Probation had testified the presentence report was not a matter for the defendant to waive. Senator Don Ashworth explained it was not just for the court's use but could be used later on.

Senator Hernstadt moved to reconsider the action by which S. B. No. 307 was indefinitely postponed.

Senator Raggio seconded the motion.

The motion carried unanimously.

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Chairman Close stated he had a request from the Public Administrator of Clark County, Jerad Shafer, for two bills to make the office more time efficient and more cost efficient. He referred to NRS 146.070 which refers to setting aside estates which do not exceed \$10,000. It was Mr. Shafer's opinion that if there was no family, or no one family member willing to administer an estate under \$10,000, the Public Administrator should be able to act in his official capacity and make use of a shortened form. At the present time, there is no available statute that can be worked from that is not an additional time for the closing of estates under \$10,000.

The committee accepted the proposed amendment to NRS 146.070 and Chairman Close stated it would be drafted.

With regard to NRS 140.040(2)(b), Chairman Close stated it is in conflict with NRS 148.170, lines 5 and 6. See Exhibit F attached hereto.

The committee agreed that a bill be drafted regarding NRS 140.040 and 148.170.

SENATE BILL NO. 282:

Establishes immunity from liability for certain persons and authorizes creation of centers for collection and distribution of donated foods.

Senator Ford stated she had some questions regarding the amendments to S. B. No. 282. The portion which deleted lines 5 and 6 is all right; however, line 12 in the liability section brings up county agency, which she felt should be removed also. The county or agency are not really involved. Senator Raggio agreed that the reference to county or agency on line 12 should be deleted.

Senator Ford asked whether "person" would include a business. Senator Raggio suggested in the context of S. B. No. 282 "person" includes firms, partnerships and so forth; however, it should be made clearer in the amendment. Senator Ford stated the bill drafter removed Sections 3 to 5; however, lines 8, 9 and 10 were not to be deleted. Her concern was that the distribution center would have to be licensed as a food and drink center, in which case they would be subject to rules and regulations.

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Senator Raggio discussed a letter from the Nevada Trial Lawyers Association to Frank Daykin dated March 2, 1981. See Exhibit G attached hereto. He stated there is a statute still on the books providing that when a suit is brought, a complaint has to be filed within six months which has been ruled unconstitutional.

The committee agreed to introduce a bill to repeal the provision.

SENATE BILL NO. 253: (Exhibit M)

Allows district attorney to assess fees against applicant for child support or establishment of paternity who is not indigent.

Chairman Close stated the amendment to Section 1, NRS 126.291, would delete the words: "or other fees, charges or court costs" on line 3. The new language would be paragraph 2, Section 1. See Exhibit H attached hereto, which also includes other recommendations made by the Welfare Department.

Senator Hernstadt asked why the amount is being increased to 25 percent in paragraph 3. Senator Raggio explained the amount is in addition to any support obligations.

Senator Keith Ashworth stated he did not agree with paragraph 4 on page 2. He felt the fees should go into the county general fund to be budgeted. Senator Raggio stated he agreed with Senator Keith Ashworth.

Senator Keith Ashworth stated the child support program is a county program and if there were a separate fund, it would be outside the budget and outside of the control of the budget officers and county commissioners.

Chairman Close stated the reason was to give the District Attorneys an incentive to bring the actions. Senator Raggio replied the incentive would still be there because the county can look to see what they are bringing in.

Senator Ford stated she would have no problem with the idea of putting the money in the general fund if it was sent back to that particular program. Senator Keith Ashworth stated the program has to justify it, and they have to go before the county commissioners to show what they have brought in.

Chairman Close stated what it would probably mean would be cutting back the budget if it does go into the general fund. Senator Keith Ashworth stated paragraph 4 does not say where the fees should go at all, and he felt it should state the fees

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collected should go into the general fund of the county to be utilized in the budget. He stated he did not like the words "utilized" or "enhancement" because it would mean the money belongs to them and no one else can touch it.

Chairman Close stated that with regard to paragraph 3, the language as presented is confusing. He felt what they mean is 25 percent of the support obligation against the amount of money collected.

Senator Raggio explained that obviously what they intend in a parentage case is to first determine the parentage of the father and when that is determined and he is declared to be the father, then there will be an order of support entered. They want to be able to have the court assess a collection fee in addition to the support, not to exceed 25 percent of the support obligation against the nonsupporting parent.

Senator Raggio suggested changing the wording in paragraph 4 to read: "All fees collected pursuant to this section shall be utilized by the county for the maintenance of the counties' nonsupport program."

Senator Keith Ashworth suggested the wording: "All fees collected pursuant to this section shall be deposited in the county general fund to augment the District Attorney's budget for this program."

Senator Close stated the wording would be changed to read: "All fees collected pursuant to this section shall be deposited in the general fund of the county to be utilized to augment the nonsupport program."

SENATE BILL NO. 253

Senator Ford moved to amend and Do Pass S. B. No. 253.

Senator Wagner seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

SENATE BILL NO. 355: (Exhibit N)

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

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The minutes of the testimony on S. B. No. 438 of the 1979 session of the legislature are attached hereto as Exhibit I.

Senator Ford stated all the evidence points to the fact S. B. No. 355 is a "good tool." The prisoners have something to look forward to and it is a way for the families to keep in touch and connect with reality.

Senator Raggio stated the way it was finally approved, first of all, there had to be a release date set by the Parole Board.

Senator Ford stated almost every state has home visits and furloughs. Senator Raggio stated he would agree to passage of S. B. No. 355 if a release date had been established by the Parole Board and that it would not apply more than 180 days prior to such a release date. Senator Ford stated she would have no problem with using a time limit. The furloughs would be a pre-release privilege within the state of Nevada only, except for emergency furloughs up to 72 hours and medical furloughs.

Chairman Close stated the way S. B. No. 355 is now written, there would not be an allowance for a family emergency outside the state; therefore, it should be amended to allow family emergency furloughs up to 72 hours and medical furloughs outside the state of Nevada.

SENATE BILL NO. 355

Senator Ford moved to amend and Do Pass S. B. No. 355.

Senator Wagner seconded the motion.

The motion carried. (Senator Don Ashworth voted against the motion.)

ASSEMBLY BILL NO. 18: (Exhibit o)

Clarifies jurisdiction of judges in juvenile courts.

Senator Raggio asked what had been changed on the original bill with regard to A. B. No. 18. Chairman Close stated the words "against property" were deleted on page 1, line 4. The language on lines 6, 7 and 8 on page 2 was deleted. The words "against property" were deleted on line 20, page 2.

Senator Wagner moved to Do Pass A. B. No. 18.

Senator Ford seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

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Chairman Close stated a letter had been received from the Christian Science Committee on Publication for Nevada, a copy of which is attached hereto as Exhibit J.

Senator Keith Ashworth stated what Mr. Luce wanted to include in the bill was that healing by prayer is not neglecting a child.

Senator Raggio said the concern appeared to be the existing language in subsection (d) where a court can order a parent to refrain from neglect. He stated he had misgivings about putting the requested change into the law because he felt the court should be able to make the decision.

The committee rejected the proposed amendment of Darrell Luce.

SENATE BILL NO. 234:

Creates Legislative interim committee on prisons.

Senator Wagner asked the committee if it would be willing to change the thrust of S. B. No. 234 and change it to a resolution. It would be sent to Legislative Affairs and treated as a regular interim committee.

Senator Hernstadt asked why another interim committee was needed since this was to be a supervisory committee.

Senator Wagner stated her biggest concern would be the lack of planning for prisons, which would affect everything else they do in terms of construction and alternatives.

Senator Raggio stated he could support a continuing study, but he did not want it to be a permanent committee.

SENATE BILL NO. 234

Senator Don Ashworth moved to indefinitely postpone S. B. No. 234.

Senator Ford seconded the motion.

The motion carried. (Senator Keith Ashworth was absent for the vote.)

Chairman Close asked whether there was a motion to have the committee request introduction of a resolution for another interim study. He stated Senator Wagner would get the language for the resolution.

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Senator Wagner moved that the committee draft a resolution which would authorize an interim study of prisons.

Senator Ford seconded the motion.

Senator Raggio stated it would be a continuing study. Chairman Close said it would not be continuing but would be another interim study.

Senator Ford stated that in discussing the motion, it appeared two people were going to vote against it. She said that in Legislative Affairs they are going to be considering the standing committee concept for the interim that was passed out of the Senate last time. She did not know whether it would go on the Assembly side but if it did, the Judiciary Committee itself could have the resolution as one of its assignments. It could assign a committee for whatever planning or whatever concept should be handled. She felt that would be one way it could be handled and not a full-blown interim committee which meets by itself at different times.

Senator Hernstadt stated there already had been a study and several bills came out of it. He felt it was a productive, worthwhile study and a good job was done but he stated he did not feel another study was needed.

Chairman Close asked for a vote on the motion.

Senators Wagner, Ford, Raggio and Close voted in favor of having the committee draft a resolution which would authorize an interim study of prisons.

Senators Hernstadt, Keith Ashworth and Don Ashworth voted against the motion.

Senator Keith Ashworth stated the rules require five out of seven votes to get a resolution drafted.

Chairman Close stated the motion was a request to get a resolution drafted and not a request for committee introduction. Senator Keith Ashworth stated he felt the rule applies to a resolution as well as it does to a bill or a joint resolution and has the same affect. Senator Ford stated the rule applies to a concurrent resolution, and a joint resolution does not have the same affect as a bill. Senator Keith Ashworth stated the resolution is an item the committee is requesting which would be the same as a bill that is not coming back to the

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committee. Senator Ford agreed that was true in terms of committee action but in terms of Senator Wagner being able to request it, she thought she could. Senator Keith Ashworth said she cannot have a resolution drafted without a two-thirds majority of the floor.

Chairman Close stated the result of the vote on drafting a resolution was the committee had declined to request the introduction of the legislation based upon the committee rule that one member can preclude a committee introduction.

Senator Wagner stated in that event, she would change her vote on S. B. No. 234 to reflect voting against the motion to kill the bill.

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted by:

Iris B. Parraguirre
Iris B. Parraguirre, Secretary

APPROVED BY:

Melvin D. Close Jr.
Senator Melvin D. Close, Chairman

DATED: 3-24-81

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.

Day Thursday, Date March 12, Time 8:30 a.m.

S. B. No. 357--Provides for admission of evidence of transactions with deceased persons under certain circumstances.

S. B. No. 359--Revises certain requirements for takeover bids affecting corporations.

SENATE COMMITTEE ON JUDICIARY

DATE: March 12, 1981

EXHIBIT B



PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

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NAME

ORGANIZATION & ADDRESS

TELEPHONE

PRINCE A. HAWKINS

ATTY - 15 LIBERTY ST. RENO

786-4646

CLYDE BILICIAI

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EXPLANATION OF SENATE BILL 359

TAKEOVER BID DISCLOSURE

Two sections of Nevada's corporation law, concerning takeover bid disclosure, should be amended to conform to federal developments.

Nevada, and thirty-five other states, have statutes relating to tender offers. The purpose is explained in §1.1 of the Illinois Act:

"In recent years, numerous companies have been subjected to takeover offers in which equity securities were acquired suddenly by means of tender offers. Many of these tender offers have been made without advance notice and without giving security holders of the acquired company adequate time to consider the offer, and without giving the management of the acquired company adequate time to evaluate alternatives so that they might recommend a course of action that would be in the best interests of all security holders."

The Nevada statute applies only to corporations whose shares are registered pursuant to §12 of the Securities Exchange Act of 1934. Examples are Braniff, Continental Air Lines, Inc., Computer Sciences, Crown Zellerbach, Federal Resources, Frontier Airlines, Kaiser Steel, Newpark Resources, and Superior Oil. The Act does not apply to small corporations, nor purchases on a stock exchange.

The bill proposes to amend NRS 78.3771 to conform to Rule 14d-2 as adopted by the Securities Exchange Commission effective January 7, 1980.

Nevada, in NRS 78.3771, provides a 30-day disclosure notice before making a takeover bid. The S. E. C. Rule prohibits a public announcement of the price, and number of shares, more than five days before the actual commencement of the offer. Therefore, the amendment deletes from Nevada's 30-day disclosure, the amount of securities to be sought, and the consideration to be offered. That information is only to be furnished four days before the bid.

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The S. E. C. Rule expressly permits a statement that the bidder intends to make a tender offer, if the statement does not specify the amount of securities or the price.

The bill also amends §78.3772 to eliminate the time within which shares must be deposited, and to change from 10 to 7 days the time within which they may be withdrawn, and to extend the possible period for proration, when more shares are offered than are purchased, all to conform with Section 14-(d)-5 of the Act and Rule 14d-8.

A notification requirement, not restricted by eliminating the bid price and number of shares, has been held unconstitutional in several states, including, on February 13, 1981, in Nevada. The amendments proposed are necessary.

March 11, 1981.


Prince A. Hawkins.

Referred to Committee on Judiciary

SUMMARY— Amends certain time limits relating to corporate takeover bids.

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to corporations; amending certain time limits relating to corporate takeover bids; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 78.3771 is hereby amended to read as follows:

78.3771

1. At least 30 days prior to the making of a takeover bid, the offeror shall file with the resident agent of the offeree corporation a statement containing the following information:

(a) The name, address and business experience of the offeror and each associate of the offeror;

(b) The terms and conditions of the takeover bid, which shall include the applicable provisions of NRS 78.3772;

(c) The source ~~and amount~~ of the funds or other consideration used or to be used in making the takeover bid, and if any part of such funds or consideration is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of making such bid, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan or loans made in the ordinary course of business by a bank or financial institution customarily engaged in the business of making loans, it will be sufficient so to state;

(d) Any plans or proposals that the offeror may have to liquidate the offeree corporation, to sell its assets to or merge it with any other person, or to make any other material change in its business or corporate structure;

(e) The number of offeror's presently owned shares, and a description of any which are not stock or a similar security; and

(f) Information as to any contracts, arrangements or understandings with any person with respect to any securities of the offeree corporation, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into, and giving the details thereof.

(g) Notwithstanding the foregoing, such statement shall not specify the amount of securities to be sought or the consideration to be offered therefor but a supplemental statement containing such information shall be filed with the resident agent of the offeree corporation not less than 4 business days prior to the making of such takeover bid.

2. All written soliciting material used by the offeror in connection with the takeover bid shall be filed with the resident agent of the offeree corporation not later than the time copies of such material are first published or sent or given to offerees.

3. If, pursuant to any arrangement or understanding with the offeror, any persons are to be elected or designated as directors of the offeree corporation, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the offeree corporation, then, prior to the time any such person takes office as a director, the offeror shall file with the resident agent of the offeree corporation, and transmit to all holders of record of securities of the offeree corporation who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by § 14(a) or 14(c) of the Securities Exchange Act of 1934 (15 U.S.C. § 78n(a) or (c)) to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

SEC. 2. NRS 78.3772 is hereby amended to read as follows:

78.3772: 1. The period of time within which shares may be deposited pursuant to a takeover bid shall not be less than 10 days nor more than 35 days from the date of the first invitation to deposit shares.

2. Shares deposited pursuant to a takeover bid may be withdrawn by an offeree or his attorney-in-fact by demand in writing on the offeror or the depository at any time within ~~10~~ 7 days from the date of the first invitation to deposit shares.

3. Where a takeover bid is made for less than all the shares of a class and where a greater number of shares is deposited pursuant thereto, within 10 days after the takeover bid is first published or given to the offerees,

or within such longer period as may be specified in the takeover bid or an amendment thereof, if the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be pro rata, disregarding fractions, according to the number of shares deposited.

4. Where an offeror varies the terms of a takeover bid before the expiration thereof by increasing the consideration offered, the offeror shall pay the increased consideration to each offeree whose securities are taken up even if they have been taken up and paid for before the variation of the takeover bid.

5. Where a takeover bid is sent by mail to offerees, it shall be accompanied by a copy of the statement filed with the resident agent pursuant to NRS 78.3771.

SEC. 3. This act shall become effective upon passage and approval.

SUMMARY S. B. 307

SUMMARY: Removes requirement for presentence report in certain cases.

This bill is designed to expedite sentencings in the District Courts and to reduce the time a defendant must be housed in the county jail (as opposed to the prison).

The requirement for pre-sentence reports is eliminated:

- (1) Where the law requires the sentence to be fixed by the jury, or
- (2) Where the defendant waives the requirement.

The jury fixes the punishment in cases of murder in the first degree. Except for record keeping purposes at the prison and by the Department of Parole and Probation, a presentence report has no value. If the Department of Parole and Probation wishes such a report in cases of murder in the first degree they can always prepare one while the defendant is staying at Nevada State Prison.

It now takes 30 to 45 days for the Department of Parole and Probation to prepare a presentence report. If the defendant is in custody during this period the county must pay for his incarceration. This custodial period could be eliminated in many cases if the presentence report was waived. If the defendant is not in custody the expense of preparing a useless report could also be eliminated. Common examples of situations where this could be of benefit to all concerned include:

- (a) When a defendant has agreed to waive extradition

and serve his time in another jurisdiction which is presently seeking his return for other reasons.

(b) When as a condition of probation to be granted him, a defendant has agreed to submit to deportation by the U.S. Department of Immigration and after which he is to immediately receive a general discharge.

(c) Where a fine (rather than incarceration or probation) is appropriately stipulated to.

In all these and many more cases the preparation of a presentence report is a needless waste of time and money.

SENATE BILL NO. 307—COMMITTEE ON JUDICIARY

FEBRUARY 25, 1981

Referred to Committee on Judiciary

SUMMARY—Removes requirement for presentence report in certain cases. (BDR 14-700)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to criminal procedure; removing the requirement of a presentence report when sentence is fixed by a jury; permitting a defendant to waive a presentence report; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 176.135 is hereby amended to read as follows:
2 176.135 The probation service of the district court shall make a
3 presentence investigation and report to the court upon each defendant
4 who pleads guilty or nolo contendere or is found guilty before the
5 imposition of sentence or the granting of probation [.] *except when:*
6 1. *A sentence is fixed by a jury; or*
7 2. *With the consent of the court, a defendant waives the presentence*
8 *investigation and report.*

140.050

SPECIAL ADMINISTRATORS

appointed all the goods, chattels and debts of the deceased, and all incomes, rents, issues, profits, claims and demands of the estate.

(b) Take charge and management of, enter upon and preserve from damage, waste and injury, the real property.

2. The special administrator may:

(a) For any and all necessary purposes, commence, maintain or defend suits and other legal proceedings as an administrator.

→(b) Sell such perishable estate as the district court may order to be sold.

(c) Exercise such other powers as may have been conferred upon him by the appointment.

(d) Obtain leave to borrow money or to lease or mortgage or execute a deed of trust upon real property in the same manner as a general administrator.

3. In no case shall the special administrator be liable to an action by any creditor, on any claim against the estate, nor pay any claim against the deceased, except for claims involving wrongful death, personal injury or property damage where the estate contains no assets other than a policy of liability insurance.

[Part 86:107:1941; 1931 NCL § 9882.86]—(NRS A 1971, 647)

SALE OF PERSONAL PROPERTY

148.170 Perishable and depreciating property. Perishable property and other personal property which will depreciate in value if not disposed of promptly, or which will incur loss or expense by being kept, and so much other personal property as may be necessary to provide the family allowance pending the receipt of other sufficient funds, may

be sold without notice, and title shall pass without confirmation; but the executor, administrator or special administrator is responsible for the actual value of the property unless, after making a sworn return, and on a proper showing, the court shall approve the sale.

[151:107:1941; 1931 NCL § 9882.151]



EXHIBIT G

NEVADA TRIAL LAWYERS ASSOCIATION

502 N. Division, Carson City, Nevada 89701 • Phone (702) 883-3577

March 2, 1981

Frank Daykin, Esq.
Legislative Counsel
Legislative Counsel Bureau
Nevada Legislature
Carson City, Nevada 89701

RE: Unconstitutionality of Prior-Claim Statutes

Dear Frank:

It has been brought to my attention by our former President, Richard Myers, that Nevada Revised Statutes still contain the prior-claim provisions declared unconstitutional over seven years ago in Turner v. Staggs, 89 Nev 230 (1973). I enclose herewith a copy of a recent order by Judge Huffaker of the Eighth Judicial District Court denying a Motion for Summary Judgment on the ground that both NRS 41.036 and the one year statute of limitation specified in NRS 11.190(5)(b) are unconstitutional.

It has been my experience as a trial lawyer that inclusion of the prior-claim statutes in NRS, as set forth in NRS 41.036, serves only to create confusion and unnecessary litigation which is both expensive and time consuming to the litigants, lawyers, and the courts. Many of the lawyers I talk with still file their claims for no other reason than the requirement remains statutory. Others, simply ignore the statutory law and proceed on the assumption of unconstitutionality as declared in Turner v. Staggs. Unless I am mistaken, Turner v. Staggs squarely held that the prior-claim statutes are per se unconstitutional as a denial of equal protection. Accordingly, they should be repealed from NRS.

Upon concurrence of your office, I am requesting that Senator Bill Raggio request the Senate Judiciary Committee to introduce a Bill to repeal the offending provisions to bring the statutes in line with the requirements of our Constitution.

Thank you for your attention to this matter. With best regards, I am,

Sincerely yours,


ROBERT E. HEANEY, PRESIDENT
NEVADA TRIAL LAWYERS ASSOCIATION

cc: Rich Myers, Past President,
NTLA
Howard Ecker, Chairman, NTLA Judiciary Committee

Affiliate of the Association of Trial Lawyers of America

Board of Governors, NTLA

Senator Bill Raggio

EXHIBIT H

Senate Bill No. 253 - Committee on Judiciary

— o —

Referred to Committee on Judiciary

Summary - allows district attorney to assess fees against applicant for child support or establishment of paternity who is not indigent. (BDR 11-254).

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

An Act relating to children; allowing the district attorney to assess fees against any applicant for child support or the establishment of paternity who is not indigent; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. NRS 126.291 is hereby amended to read as follows:

1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter and no filing fees (or other fees, charges or court costs) may be charged for bringing or maintaining the proceeding, but the usual filing fees, charges or court costs may be assessed by the court against the nonsupporting parent and enforced with the other provisions of the judgment as provided in NRS 126.341. They are not exclusive of other proceedings.

2. The district attorney, if requested to bring an action to determine paternity or to compel support, may assess the applicant a fee not to exceed \$20. A fee may not be assessed against the State of Nevada when acting as a party to an action brought pursuant to this chapter.

3. If the court makes a finding of parentage, it may assess a collection fee not ^{to} exceed 25% of the support obligation against the nonsupporting parent in addition to any support obligation due.

4. All fees collected pursuant to this section, shall be utilized for the maintenance and enhancement of the counties' nonsupport Program.

Section 2. NRS 130.160 is hereby amended to read as follows:

[1. An initiating court shall not require payment of either a filing fee or other cost from the obligee but may request the responding court to collect fees and costs from the obligor.]

1. When the district attorney is requested to initiate an action in accordance with this chapter, he may assess against an obligee:

(a) A fee not to exceed \$20 for an application, and may request the responding court to collect such application fee from the obligor. A fee may not be assessed against the State of Nevada when acting as a party to an action brought pursuant to this chapter.

2. When the district attorney is requested to respond in an action in accordance with this chapter, the court may assess against an obligor:

(a) A collection and distribution fee not to exceed 25% of the support obligation.

3. All fees collected pursuant to this section, shall be utilized for the maintenance and enhancement of the counties' nonsupport Program.

4.(2.) A responding court shall not require the posting of any bond, written undertaking, or security by the obligee, including bonds for the seizure or attachment of property or require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and such fees and costs as are incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor, be paid in whole or in part by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

1979

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Senate History, Sixtieth Session

S. B. 438—Committee on Judiciary, Apr. 9.

Summary—Limits duration of and expands permitted reasons for temporary furloughs of prison inmates. (BDR 16-1809) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 9—Read first time. Referred to Committee on Judiciary. To printer.

Apr. 10—From printer. To committee.

Apr. 26—From committee: Amend, and do pass as amended.

✓Apr. 27—Read second time. Amended. To printer.

✓Apr. 28—From printer. To engrossment. Engrossed. First reprint.

✓Apr. 30—Read third time. Passed, as amended. Title approved. To Assembly.

May 1—In Assembly. Read first time. Referred to Committee on Judiciary. To committee.

S. B. 439—Committee on Judiciary, Apr. 9.

Summary—Provides specifically that living together is not matter of defense or mitigation to prosecution for assault or battery. (BDR 16-1458) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 9—Read first time. Referred to Committee on Judiciary. To printer.

Apr. 10—From printer. To committee.

May 4—From committee: Amend, and do pass as amended.

May 7—Read second time. Amended. To printer.

May 8—From printer. To engrossment. Engrossed. First reprint.

May 9—Read third time. Passed, as amended. Title approved. To Assembly.

May 10—In Assembly. Read first time. Referred to Committee on Judiciary. To committee.

S. B. 440—McCorkle, Apr. 9.

Summary—Provides for appointment of conservators for physically disabled persons under certain circumstances. (BDR 13-1638) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 9—Read first time. Referred to Committee on Judiciary. To printer.

Apr. 10—From printer. To committee.

S. B. 441—Faiss, Apr. 9.

Summary—Establishes certain rights for patients or residents of health and care facilities. (BDR 40-1970) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 9—Read first time. Referred to Committee on Human Resources and Facilities. To printer.

Apr. 10—From printer. To committee.

May 14—From committee: Amend, and do pass as amended.

May 15—Read second time. Amended. To printer.

May 16—From printer. To engrossment. Engrossed. First reprint.

May 17—Read third time. Passed, as amended. Title approved, as amended. To Assembly. In Assembly. Read first time. Referred to Committee on Health and Welfare. To committee.

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Senator Ashworth moved to indefinitely postpone SB 440.

Seconded by Senator Sloan.

Motion carried. The vote was as follows:

AYE:	Senator Close	NAY:	Senator Ford
	Senator Ashworth		
	Senator Dodge		
	Senator Hernstadt		
	Senator Raggio		
	Senator Sloan		

SB 438 Limits duration and expands permitted reasons for temporary furloughs of prison inmates.

Charles L. Wolff, Director, Nevada Department of Prisons, testified in support of this measure. He stated that in addition to the present emergency situations, this would allow an inmate to visit his family and obtain medical services that are not available within the prison.

It is also limiting the furlough to a 72-hour period. This is a no-cost program as all expenditures would be assumed by the prisoner.

Senator Ashworth questioned why they would want to limit the medical furlough to 72 hours.

Mr. Wolff responded that there was no real reason and that he would not object if the committee wished to delete that.

Senator Sloan asked if there would be any increased liability on the part of the State if an individual on a furlough were to commit a crime.

Mr. Wolff replied that there would be no more than if an inmate escaped and committed a crime. He stated that experience in other states has shown that persons who are eligible for this type of program are very reliable. Pennsylvania has had a 98%-99% success rate with their program.

Senator Raggio stated that he was opposed to the family visits. The legislature has consistently rejected the concept of conjugal visits. He felt that, in addition to rehabilitation and the safety of the public, another aspect of imprisonment was punishment.

Mr. Wolff stated that there were 3 principle reasons for the family visits:

- 1) It keeps the family unit together. They have found that a strong family tie will often times help keep the individual out of prison.
- 2) It is a very useful transitional tool in terms of getting the individual ready to go back into society.
- 3) It is a good tool from the standpoint of controlling behavior in the institution.

Senator Sloan asked Senator Raggio if he would still be opposed to the family visit if it were amended to be a pre-release privilege; the release date for parole would have to be set.

Senator Raggio responded that that would be acceptable.

It was the decision of the Committee to amend by deleting the 72-hour requirement for medical visits only and to make the family visit a pre-release privilege.

Senator Sloan moved that SB 438 be reported out of committee with an "amend and do pass" recommendation.

Seconded by Senator Dodge.

Motion carried. The vote was as follows:

AYE:	Senator Close	NAY:	Senator Ashworth
	Senator Dodge		
	Senator Ford		
	Senator Hernstadt		
	Senator Raggio		
	Senator Sloan		

SB 448 Authorizes director of department of prisons to transfer certain offenders to correctional institutions outside Nevada.

Charles L. Wolff, Director, Nevada Department of Prisons, testified that if an individual were serving time in a Nevada prison, and was sentenced in another state for a crime equal to or greater than the sentence in Nevada, this would allow Nevada to transfer him to the other state to serve the sentences concurrently.

Mr. Pro said that it would appear that the Gaming Control Board would be satisfied with the amendment proposed in Exhibit B.

Mr. Cahill said he could not see any problem with the photocopying of records. He said the Nevada Resort Association would be opposed to the amendment proposed in Exhibit A.

The joint session recessed at 10:42 a.m.

The Assembly Judiciary Committee reconvened at 10:45 a.m.

SENATE BILL 27

Abolishes causes of action for seduction and criminal conversation.

Senator Close said that this was the "criminal seduction bill." He said he had spoken to Judge Thompson in Las Vegas about this bill. The judge said that he was contacted by an attorney who was very angry that the bill might be passed. The attorney had said that the present law was the best tool he had in wringing out settlements in divorce cases.

Senator Close said the present law is used for blackmail. He said attorneys use the law for purposes that are immoral and wrong, and he said there was no reason to retain these particular crimes in the law.

Mr. Stewart said that the seduction portion of the bill was not involved in divorce proceedings. Senator Close said that if the seduction portion of the bill was causing problems, it could be amended out.

SENATE BILL 438

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Senator Close said that in testimony before the Senate Judiciary Committee, Warden Wolff had said that the provisions of this bill provided one of the most effective methods they have in putting a person back into society after release from prison. He noted that A.B. 346, the prison industries bill, would let a person out of prison with no limitations. He said that if a prisoner will get out of prison in six months, this bill would provide a very effective means of rehabilitation. He said that there are presently all kinds of programs where prisoners can get out of prison for temporary periods.

Mr. Stewart said that prisoners have always been allowed to leave the prison for some reason. He said, however, that they have been under the supervision of prison employees. He said this bill would provide no supervision and would seem to be giving prisoners wide open opportunities to walk away.

Senator Close said that there are work programs at this time where the prisoners are not monitored when they are at their jobs. He suggested that this type of bill would help to keep more people from coming back into prison.

SENATE BILL 439

Provides specifically that living together is not matter of defense or mitigation to prosecution for assault or battery.

Senator Close said that the present law says that the fact individuals are living in the same household is not a mitigation of punishment for wife beating. He said this bill would provide that a judge can give an instruction to a jury that it is not an excuse for a person to beat his spouse just because they live together.

ASSEMBLY BILL 524

Limits dissemination of certain criminal records and provides for their examination and challenge.

Amendments to this bill were submitted to the Committee for their inspection and consideration. Also submitted to the Committee was a letter concerning this bill from Donald K. Wadsworth, Deputy District Attorney in Clark County (Exhibit D).

SENATE BILL 27

Mr. Stewart moved Do Pass with amending out the section regarding seduction; Mr. Brady seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Fielding, Horn, Malone, Prengaman - 7.

Nay - None.

Absent - Banner, Coulter, Polish, Sena - 4.

The meeting was adjourned at 10:07 a.m.

Respectfully submitted,

Carl R. Ruthstrom Jr.
Carl R. Ruthstrom, Jr.
Secretary

bill should not be put off any longer because it is urgently needed. Ms. Swansick stated that deaf people should be provided an interpreter that is not a member of the family because otherwise emotions could be involved.

Mae Chandler, deaf, testified for this bill. For her written testimony, please see EX. B.

Mae Chandler, President of the Mt. Rose Club for the Deaf, testified for this bill. She stated that an interpreter is an important necessity. Most deaf people do not have a good education and things have to be proven in court; they have to have an interpreter.

Paul McComb, deaf teacher for the elementary school, testified for this bill. For his testimony, please see EX. C.

Betty Sylvia, deaf, could not be present today so please see her written testimony - EX. D.

Richard VillaLobos, deaf, could not be present today so please see his written testimony - EX. E.

Lois Hoover, deaf, could not be present today so please see her written testimony - EX. F.

SENATE BILL 438

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Mike Medema, Department of Prisons, testified for this bill. He stated that this bill is limited to persons who will be paroled in six months. This would allow persons who need medical attention at a hospital to go without having to have custody officers. At present, if they are incarcerated, custody officers must be provided which costs the state a lot of money. This bill would require the family to bear all costs of the inmate while he is on furlough including his trip to the residence and back. This could save up to six months of a custody officer having to guard a prisoner in a medical case. He feels that this program will be successful because if a prisoner escapes on a furlough, he would be sentenced 10 more years. The bill would only apply to someone who had been in about four years. He stated that Senator Ford was the sponsor of the bill.

SENATE BILL 437

Requires counties to provide counseling and medical treatment to victims of sexual assault.

Mr. Bob Sullivan who is employed by Churchill, Douglas, and Lyon County, testified against S.B. 437. He feels that at this point

they are in an unreal position.

Senator Melvin Close testified on this bill. He stated that the bill would require that counties provide more than immediate medical care to include psychological care to not only the wife, but the husband. The divorce rate among families with a sexual assault is very high. At present, there is only one county who is opposed to the bill; there have not been any rapes in that county for three years either. This is an area of great emotional trauma.

Mr. Stewart questioned as to whether we provide this for any other offense such as robberies?

Senator Close stated that no, it was not felt to be as traumatic as a sexual assault.

Sam Mamet stated that he does not foresee any problems with this bill and they recognize a necessity for it.

Bill Brady questioned as to whether the bill should be pursuant to the person filing charges then they could seek help from the county and get money.

Chairman Hayes stated that in order to get any type of help or money they would have to file charges.

ASSEMBLY BILL 798

Directs commissioner of insurance to require all insurers in Nevada to participate in plan to provide malpractice insurance to physicians.

Chuck Kanas, Insurance Commission, testified on A.B. 798. He stated that there are a number of companies that sell medical malpractice in other states but they do not sell it in Nevada. He feels that this bill could make the insurance companies think twice about coming to Nevada to sell insurance. This bill was drafted by Commerce.

S.B. 438

Mr. Malone moved to Do Pass S.B. 438; Mr. Prengaman seconded the motion. The motion failed under Committee Rule 3 by the following vote:

Aye - Hayes, Malone, Horn, Prengaman, Coulter - 5

Nay - Stewart, Polish, Banner, Fielding, Brady, Sena - 6

Absent - None

Mr. McDonald said he would wonder if the effective date would give small counties enough time and opportunity to budget money for purchase of such equipment. He said that with proposed restraints on spending, this bill might not "fly" for some time.

Mr. Reynolds said that he had been working on a grant that would produce funds to be able to assist the counties in purchasing sound recording equipment. He said that the effective date of this bill would allow plenty of time for purchasing this equipment.

Mr. Reynolds said that the case most frequently appealed to a district court is a conviction of DUI. He said that other cases that could be appealed are usually not because district courts are usually tougher than the justice courts. He said the DUI appeals are usually delaying tactics so that individuals do not get these points on their driving records.

SENATE BILL 420

Provides for gaming licenses for limited partnerships.

Mr. Stratton said that on Page 9, Line 16, all of the taxing sections were included except NRS 463.385. On Line 13 of the same page, after the word, "reorganization," the following language should be added: "and approved by the commission,".

SENATE BILL 438

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Senator Ford presented a letter to the Committee regarding this bill (Exhibit A). She said that there were some inmates that did not deserve this type of privilege, but she said there were others who could be helped by keeping in touch with society. She stated that she had received letters from women prisoners concerning the reasons they would favor a bill such as this.

Mr. Stewart said that he felt a reason for criminal punishment is to let a person be responsible for his acts. He said that prisoners receive a lot of benefits they did not get 30 years ago.

Senator Ford stated her agreement that a person should be responsible for his actions, but she said that the thing to remember is that sooner or later, the prisoner will probably be released back into society. She said that it would seem that allowing the warden to let the prisoners get ready to be responsible when they get out should be something that is done.

JEAN FORD
SENATOR
CLARK COUNTY, DISTRICT NO. 3
2211 PUEBLO WAY
LAS VEGAS, NEVADA 89109



EXHIBIT A
Page 1 of 2 COMMITTEES
MEMBER
GOVERNMENT AFFAIRS
JUDICIARY
LEGISLATIVE FUNCTIONS

Nevada Legislature

SIXTIETH SESSION

May 7, 1979

TO: ASSEMBLY JUDICIARY COMMITTEE

RE. SB 438

It is my understanding that several of you question the merits of SB 438, expanding the current provision for temporary furloughs of inmates to include:

- a. contacts with prospective employers
- b. medical services not available within the prison, such as dental work (the prison only does emergency extractions, no fillings, etc.)
- c. family visits (eligibility limited only to 180 days before an inmate has a release date for parole)

Keep these facts in mind:

- the overwhelming majority of prison inmates are released sooner or later back into society
- the warden has the power to adopt regulations to greatly restrict when and how these provisions are implemented and is doing so under current law
- the provision of the 72-hour limitation, except for medical furloughs, limits the law on temporary furloughs more than it is now.
- no inmate sentenced to life imprisonment without possibility of parole or imprisoned for sex violations and not certified as eligible for parole would be eligible for any of these provisions.

While it is easy for all of us to think of prisoners who do not deserve these privileges, I hope you will also think of prisoners sentenced for less serious felonies, first-time offenders, prisoners who do have families "on the outside" waiting and wanting to maintain family relations so as to effect as smooth a transition as possible when the prisoner is released.

As you may be aware, many of the women have children being taken care of in the Reno-Carson area and it would be particularly beneficial for them to have this opportunity. Attached is information regarding much more far-reaching programs elsewhere along this line.

I respectfully urge you to give a "do pass" to SB 438.

Clean Ford

865

Kick Horn outlined the amendments to the bill. Instead of \$80. per day, he made the figure to be \$65. per day. He stated that all other increases would be scratched out and that this was the compromise that was agreed upon the county and the court reporters.

Mr. Horn moved to Do Pass A.B. 757 as amended; Mr. Polish seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Prengaman, Fielding, Coulter, Brady, Sena - 10

Nay - None

. Absent - Banner - 1

SENATE JOINT RESOLUTION 21

Urges abolition of statute of limitations for Nazi war crimes.

Mr. Sena moved to Do Pass S.J.R. 21; Mr. Brady seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Polish, Prengaman, Coulter, Brady, Sena - 8

Nay - Horn, Fielding - 2

. Absent - Banner - 1

ASSEMBLY BILL 822

Revises method of determining attorneys' fees respecting estates of decedents.

Mr. Malone moved to Do Pass A.B. 822; Mr. Prengaman seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Prengaman, Fielding, Coulter, Brady, Sena - 10

Nay - None

Absent - Banner - 1

SENATE BILL 438

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Mr. Prengaman moved to Do Pass S.B. 438; Mr. Coulter seconded the motion. The motion failed under Committee Rule 3 on the following vote:

Aye - Hayes, Prengaman, Coulter - 3

Nay - Fielding, Horn, Malone, Polish, Stewart - 5

Not Voting - Brady, Sena - 2

Absent - Banner - 1

ASSEMBLY BILL 524

Limits dissemination of certain criminal records and provides for their examination and challenge.

Discussion was heard on the bill in reference to the term "CHRI" which stands for Criminal History Records Information. Frank Daykin felt that this term was inadequate because it was not proper English.

Larry Ketzenberger, Las Vegas Metro Police Department, testified on the bill also. He felt that the term "CHRI" should be left the way it is because it is familiar throughout the 50 states.

It was decided by the committee to put a disclaimer in the bill, wording it the way Frank Daykin said but referencing it to the name of "CHRI".

SENATE BILL 343

Provides for hearing of lis pendens and for expunging recorded notice upon posting of bond in certain circumstances.

Paul Prengaman moved to Do Pass S.B. 343; Mr. Polish seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Prengaman, Fielding, Coulter, Brady, Sena - 10

Nay - None

Absent - Banner - 1

ASSEMBLY BILL 694

Increases scope of certain prohibitions against improperly influencing, interfering with, or intimidating certain persons acting in official capacity, and provides penalties.

Mr. Pro said that it would appear that the Gaming Control Board would be satisfied with the amendment proposed in Exhibit B.

Mr. Cahill said he could not see any problem with the photocopying of records. He said the Nevada Resort Association would be opposed to the amendment proposed in Exhibit A.

The joint session recessed at 10:42 a.m.

The Assembly Judiciary Committee reconvened at 10:45 a.m.

SENATE BILL 27

Abolishes causes of action for seduction and criminal conversation.

Senator Close said that this was the "criminal seduction bill." He said he had spoken to Judge Thompson in Las Vegas about this bill. The judge said that he was contacted by an attorney who was very angry that the bill might be passed. The attorney had said that the present law was the best tool he had in wringing out settlements in divorce cases.

Senator Close said the present law is used for blackmail. He said attorneys use the law for purposes that are immoral and wrong, and he said there was no reason to retain these particular crimes in the law.

Mr. Stewart said that the seduction portion of the bill was not involved in divorce proceedings. Senator Close said that if the seduction portion of the bill was causing problems, it could be amended out.

SENATE BILL 438

Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Senator Close said that in testimony before the Senate Judiciary Committee, Warden Wolff had said that the provisions of this bill provided one of the most effective methods they have in putting a person back into society after release from prison. He noted that A.B. 346, the prison industries bill, would let a person out of prison with no limitations. He said that if a prisoner will get out of prison in six months, this bill would provide a very effective means of rehabilitation. He said that there are presently all kinds of programs where prisoners can get out of prison for temporary periods.

Mr. Stewart said that prisoners have always been allowed to leave the prison for some reason. He said, however, that they have been under the supervision of prison employees. He said this bill would provide no supervision and would seem to be giving prisoners wide open opportunities to walk away.

868

Senator Close said that there are work programs at this time where the prisoners are not monitored when they are at their jobs. He suggested that this type of bill would help to keep more people from coming back into prison.

SENATE BILL 439

Provides specifically that living together is not matter of defense or mitigation to prosecution for assault or battery.

Senator Close said that the present law says that the fact individuals are living in the same household is not a mitigation of punishment for wife beating. He said this bill would provide that a judge can give an instruction to a jury that it is not an excuse for a person to beat his spouse just because they live together.

ASSEMBLY BILL 524

Limits dissemination of certain criminal records and provides for their examination and challenge.

Amendments to this bill were submitted to the Committee for their inspection and consideration. Also submitted to the Committee was a letter concerning this bill from Donald K. Wadsworth, Deputy District Attorney in Clark County (Exhibit D).

SENATE BILL 27

Mr. Stewart moved Do Pass with amending out the section regarding seduction; Mr. Brady seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Fielding, Horn, Malone, Prengaman - 7.

Nay - None.

Absent - Banner, Coulter, Polish, Sena - 4.

The meeting was adjourned at 10:07 a.m.

Respectfully submitted,

Carl R. Ruthstrom Jr.

Carl R. Ruthstrom, Jr.
Secretary

Christian Science Committee on Publication for Nevada

EXHIBIT J

1717 East Charleston Boulevard
Las Vegas, Nevada 89104

Phone: (702) 384-4155
Night 385-2655

February 19, 1981

Senator Don W. Ashworth
Legislative Building
Carson City, Nevada 89710

Dear Don:

You have a hearing on A.B. 18 coming up Thursday morning, February 26th. This bill is amending the jurisdiction of judges of juvenile courts.

I missed the hearing on this bill when it was over in the Assembly, and I called Jan Stewart several days after the hearing, and he suggested I talk to you when this bill got into the Senate.

This bill deals with the same general subject as S.B. 149 which I discussed with you at the hearing last week. A.B. 18 is a much simpler and shorter bill, and it would appear that it might very well be enacted.

As you may recall from our discussion last week, the Christian Scientists of this state would feel better protected under the law if a reference was placed in Chapter 62 similar to the two provisions that the legislature has already provided in NRS 200.5085 - Criminal Code - regarding the endangering of the health of children, and in NRS 432.090 which is part of the law providing for the reporting of child abuse and neglect. Christian Scientists certainly do not condone or practice child neglect, but sometimes public officials have the thought that if someone is not providing their children with medical treatment, this might be neglectful.

Christian Scientists, like myself, have for many years relied on their religion for their health care, and it would be unusual for them to rely on medical treatment. In my own family, we have been practicing Christian Science now for five generations.

If you would amend A.B. 18 on page 2, at line 8, with the following language, this would still allow the judge

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February 19, 1981

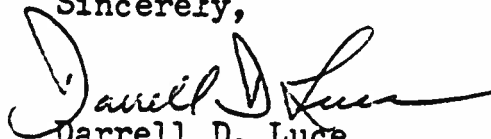
to order medical treatment after having considered all the facts in the case, but it also would call his attention to the religious viewpoint held by those who do rely on prayer for healing:

"A child shall not be considered to be neglected for the sole reason that his parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment."

I would be able to appear at the hearing next Thursday; but if you think this is unnecessary, it would be nice to save this expense on my church members.

Would you please talk to Mel about this, and I will call you on Wednesday, the 25th, to get your advice about my appearance on this bill.

Sincerely,



Darrell D. Luce,
Christian Science Committee
on Publication for Nevada

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 259

 SENATE BILL NO. 259—COMMITTEE ON HUMAN
 RESOURCES AND FACILITIES

FEBRUARY 18, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires notice and opportunity for a hearing before transfer of a mentally ill or mentally retarded person from one facility to another. (BDR 39-553)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to rights of mentally ill and mentally retarded persons; providing a procedure for review by the mental hygiene and mental retardation advisory board of transfers of such persons from one facility to another who object to the transfer; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
 do enact as follows:*

- 1 SECTION 1. Chapter 433 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 *Each client admitted for evaluation, treatment or training to a division*
 4 *facility has the following personal rights, a list of which must be promi-*
 5 *nently posted in all facilities providing such services and must be other-*
 6 *wise brought to the attention of the client by such additional means as*
 7 *the administrator may designate by regulation:*
 8 1. *To wear his own clothing, to keep and use his own personal pos-*
 9 *sessions, including his toilet articles, unless those articles may be used to*
 10 *endanger his or others' lives, and to keep and be allowed to spend a rea-*
 11 *sonable sum of his own money for expenses and small purchases.*
 12 2. *To have access to individual storage space for his private use.*
 13 3. *To see visitors each day.*
 14 4. *To have reasonable access to telephones, both to make and receive*
 15 *confidential calls.*
 16 5. *To have ready access to letter-writing materials, including stamps,*
 17 *and to mail and receive unopened correspondence, but:*
 18 (a) *For the purposes of this subsection, packages are not considered as*
 19 *correspondence; and*
 20 (b) *Correspondence identified as containing a check payable to a client*
 21 *may be subject to control and safekeeping by the administrative officer of*

1 *the division facility or his designee, so long as the client's treatment record*
2 *documents the action.*

3 6. *Other personal rights as specified by regulation of the division.*

4 SEC. 2. NRS 433.484 is hereby amended to read as follows:

5 433.484 Each client admitted for evaluation, treatment or training to
6 a division facility has the following rights, *concerning care, treatment and*
7 *training*, a list of which [shall] *must* be prominently posted in all facili-
8 ties providing such services and *must be* otherwise brought to the atten-
9 tion of the client by such additional means as the administrator may
10 designate by regulation:

11 1. To medical, psychosocial and rehabilitative care, treatment and
12 training including prompt and appropriate medical treatment and care for
13 physical and mental ailments and for the prevention of any illness or dis-
14 ability. All such care, treatment and training [shall] *must* be consistent
15 with standards of practice of the respective professions in the community
16 and is subject to the following conditions:

17 (a) [Prior to] *Before* instituting a plan of care, treatment or training
18 or carrying out any necessary surgical procedure, express and informed
19 consent [shall] *must* be obtained in writing from:

20 (1) The client if he is 18 years of age or over or legally emancipated
21 and competent to give such consent, and from his legal guardian, if any;

22 (2) The parent or guardian of a client under 18 years of age and
23 not legally emancipated; or

24 (3) The legal guardian of [an adjudicated incompetent] a client of
25 any age [;] *who has been adjudicated mentally incompetent;*

26 (b) An informed consent requires that the person whose consent is
27 sought be adequately informed as to:

28 (1) The nature and consequences of the procedure;

29 (2) The reasonable risks, benefits and purposes of [such] *the pro-*
30 *cedure;* and

31 (3) Alternative procedures available;

32 (c) The consent of a client as provided in paragraph (b) may be with-
33 drawn by the client in writing at any time with or without cause;

34 (d) The absence of express and informed consent notwithstanding, a
35 licensed and qualified physician may render emergency medical care or
36 treatment to any client who has been injured in an accident or who is
37 suffering from an acute illness, disease or condition, if within a reasonable
38 degree of medical certainty, delay in initiation of emergency medical care
39 or treatment would endanger the health of the client and if [such] *the*
40 *treatment is immediately entered into the client's treatment record, but*
41 *subject to the provisions of paragraph (e);*

42 (e) If the proposed emergency medical care or treatment is deemed by
43 the medical director to be unusual, experimental or generally occurring
44 infrequently in routine medical practice, the medical director shall
45 request consultation from other physicians or practitioners of healing
46 arts who have knowledge of the proposed care or treatment;

47 2. [To wear his own clothing, to keep and use his own personal
48 possessions, including his toilet articles, unless such articles may be used
49 to endanger his or others' lives, and to keep and be allowed to spend
50 a reasonable sum of his own money for expenses and small purchases;

- 1 3. To have access to individual storage space for his private use;
- 2 4. To see visitors each day;
- 3 5. To have reasonable access to telephones, both to make and
- 4 receive confidential calls;

5 6. To have ready access to letter-writing materials, including stamps,
6 and to mail and receive unopened correspondence, but:

7 (a) For the purposes of this subsection, packages are not considered
8 as correspondence; and

9 (b) Correspondence identified as containing a check payable to a
10 client may be subject to control and safekeeping by the administrative
11 officer of the division facility or his designee, so long as the client's
12 treatment record documents such action;

13 7.] To be free from the application of any mechanical restraint,
14 except that the use of such a restraint may be prescribed by a physician.
15 When so prescribed, the restraint [shall] must be removed whenever
16 the condition justifying its use no longer exists, and any use of a
17 mechanical restraint, together with the reasons therefor, [shall] must
18 be made a part of the client's treatment record; [and

19 8. To other rights as] 3. To consent to his transfer from one
20 facility to another, except that the administrator of the division or his
21 designee may order a transfer to be made whenever conditions concern-
22 ing care, treatment or training warrant it. If the client in any
23 manner objects to the transfer, the person ordering it must enter the objec-
24 tion and a written justification of the transfer in the client's treatment
25 record and forthwith forward a notice of the objection to the administra-
26 tor, and the board shall review the transfer pursuant to subsections 2
27 and 3 of NRS 433.534; and

28 4. Other rights concerning care, treatment and training as may be
29 specified by regulation of the division.

30 SEC. 3. NRS 433A.420 is hereby amended to read as follows:

31 433A.420 The medical director of a division facility may [authorize]
32 order the transfer to a United States Veterans' Administration hospital or
33 other facility of the United States Government any admitted client eligible
34 for treatment therein. *If the client in any manner objects to the transfer,*
35 *the medical director of the facility must enter the objection and a writ-*
36 *ten justification of the transfer in the client's record and forthwith for-*
37 *ward a notice of the objection to the administrator, and the board shall*
38 *review the transfer pursuant to subsections 2 and 3 of NRS 433.534.*

39 SEC. 4. NRS 433A.430 is hereby amended to read as follows:

40 433A.430 1. Whenever the administrator determines that [state]
41 division facilities *within the state* are inadequate for the care of any men-
42 tally ill person, he may designate two physicians, licensed under the [pro-
43 vision] provisions of chapter 630 of NRS, and familiar with the field of
44 psychiatry, to examine [such] that person. If the two physicians concur
45 [in] with the opinion of the administrator, the administrator may con-
46 tract with appropriate corresponding authorities in any other state of the
47 United States having adequate facilities for such purposes, for the recep-
48 tion, detention, care or treatment of [such persons.] that person, but if
49 the person in any manner objects to the transfer, the procedures in sub-
50 section 3 of NRS 433.484 and subsections 2 and 3 of NRS 433.534 must

1 *be followed.* The two physicians so designated [shall receive] *are entitled*
2 *to a reasonable fee for their services based upon rates set by the Nevada*
3 *industrial commission for similar services, which fee [shall] must be*
4 *paid by the county of the person's last-known residence.*

5 2. [Moneys] *Money* to carry out the provisions of this section
6 [shall] *must* be provided by direct legislative appropriation.

7 SEC. 5. NRS 435.077 is hereby amended to read as follows:

8 435.077 1. The administrator shall establish regulations for the
9 transfer of mentally retarded persons from one facility to another facility
10 operated by the division.

11 2. [Any mentally retarded person committed by court order or vol-
12 untarily admitted to a facility operated by the division may be transferred
13 from one facility to another at the discretion of the administrator without
14 court order.

15 3.] Subject to the provisions of subsection [4,] 3, when the asso-
16 ciate administrator for mental retardation determines that it is in the best
17 interest of the person, he may discharge, or place on convalescent leave,
18 any mentally retarded person in a facility operated by the division.

19 [4.] 3. When a mentally retarded person is committed to a division
20 facility by court order, the committing court [shall] *must* be given 10
21 days' notice [prior to] *before* the discharge of [such] *that* person.

22 SEC. 6. NRS 435.350 is hereby amended to read as follows:

23 435.350 1. Each mentally retarded person admitted to a division
24 facility is entitled to all rights enumerated in NRS 433.484 [.] *and*
25 *section 1 of this act.*

26 2. The administrator shall designate a person or persons to be
27 responsible for establishment of regulations relating to denial of rights
28 of mentally retarded persons. The person designated shall file [such]
29 *the* regulations with the administrator.

30 3. Clients' rights specified in NRS 433.484 *and section 1 of this*
31 *act* may be denied only for cause. Any denial of such rights [shall]
32 *must* be entered in the client's treatment record, and notice of such
33 denial [shall] *must* be forwarded to the administrator's designee or
34 designees as provided in subsection 2. Failure to report denial of rights
35 by an employee may be grounds for dismissal.

36 4. Upon receipt of notice of a denial of rights as provided in sub-
37 section 3, the administrator's designee or designees shall cause a full
38 report to be prepared which [shall set] *sets* forth in detail the factual
39 circumstances surrounding such denial. A copy of the report [shall be
40 directed] *must be sent* to the administrator and the board.

41 5. The board [shall have] *has* such powers and duties with respect
42 to reports of denial of rights as are enumerated in subsection 3 of NRS
43 433.534.

44 SEC. 7. NRS 433A.410 is hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 357

SENATE BILL NO. 357—COMMITTEE ON JUDICIARY

MARCH 3, 1981

Referred to Committee on Judiciary

SUMMARY—Provides for admission of evidence of transactions with deceased persons under certain circumstances. (BDR 4-1147)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to evidence; providing for the admissibility of evidence of transactions and conversations with and the actions of deceased persons; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 48 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *Evidence is not inadmissible solely because it is evidence of transactions*
4 *or conversations with or the actions of a deceased person.*
5 SEC. 2. The repeal of the rule of evidence which provided for the
6 admission of a transaction or conversation with or action of a deceased
7 person if supported by corroborative evidence (former NRS 48.064,
8 repealed by chapter 134, Statutes of Nevada 1979) does not by implica-
9 tion or otherwise revive the dead man's statute of the common law of
10 England.

S. B. 253

SENATE BILL NO. 253—COMMITTEE ON JUDICIARY

FEBRUARY 18, 1981

Referred to Committee on Judiciary

SUMMARY—Allows district attorney to assess fees against applicant for child support or establishment of paternity who is not indigent. (BDR 11-254)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to children; allowing the district attorney to assess fees against any applicant for child support or the establishment of paternity who is not indigent; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 126.291 is hereby amended to read as follows:
2 126.291 1. Proceedings to compel support by a nonsupporting par-
3 ent may be brought in accordance with this chapter. [and no filing fees
4 or other fees, charges or court costs may be charged for bringing or main-
5 taining the proceeding, but the usual filing fees, charges or court costs
6 may be assessed by the court] *They are not exclusive of other proceed-*
7 *ings.*
8 2. *The district attorney, if requested to bring such an action or an*
9 *action to establish paternity, may charge the requester for bringing or*
10 *maintaining this proceeding a fee for an application not to exceed \$20*
11 *and a fee for collection and distribution equaling 10 percent of the*
12 *amount collected, until the requester gives notice to the district attorney*
13 *asking that this service be discontinued. A fee may not be assessed against*
14 *an indigent, including without limitation any person receiving public*
15 *assistance. A fee may not be assessed against the State of Nevada when*
16 *acting as a party to an action brought pursuant to this chapter.*
17 3. *The court may assess the usual filing fees, charges or court costs*
18 *against the nonsupporting parent and [enforced] shall enforce their col-*
19 *lection with the other provisions of the judgment as provided in NRS*
20 *126.341. [They are not exclusive of other proceedings.]*
21 SEC. 2. Chapter 130 of NRS is hereby amended by adding thereto a
22 new section which shall read as follows:
23 1. *The district attorney may assess against an obligee:*

1 (a) When this state is the initiating state, a fee not to exceed \$20 for
2 an application.

3 (b) When this state is the responding state, a fee for collection and dis-
4 tribution equaling 10 percent of the amount collected, until the obligee
5 requests that this service be discontinued.

6 2. A fee may not be assessed against an indigent, including without
7 limitation any person receiving public assistance. A fee may not be
8 assessed against any state when acting as a party to an action brought
9 pursuant to this chapter.

10 3. The district attorney may bring an action to collect the fee pro-
11 vided in subsection 1 from the obligor. If the fee is collected from the
12 obligor, no fee may be collected from the obligee. If the fee is not col-
13 lected from the obligor, the fee must remain as a charge against the
14 obligee.

15 4. The district attorney shall keep a record of all fees assessed and
16 collected.

S. B. 355

SENATE BILL NO. 355—COMMITTEE ON JUDICIARY

MARCH 3, 1981

Referred to Committee on Judiciary

SUMMARY—Limits duration of and expands permitted reasons for temporary furloughs of prison inmates. (BDR 16-1173)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of prisons; limiting the duration of and expanding the permitted reasons for temporary furloughs of prison inmates; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 209.501 is hereby amended to read as follows:
2 209.501 1. The director may grant temporary furloughs consistent
3 with classification evaluations and requirements:
4 (a) To permit offenders to:
5 (1) ~~Be~~ *Contact and be* interviewed by prospective employers;
6 (2) Respond to family emergencies; ~~or~~
7 (3) *Visit family;*
8 (4) *Obtain medical services not otherwise available; or*
9 (5) Participate in other approved activities.
10 (b) For such other purposes as may be deemed appropriate by the
11 director with the approval of the board.
12 2. Furloughs:
13 (a) Are limited to ~~the confines of the state.~~ *a duration of 72 hours,*
14 *except for medical furloughs.*
15 (b) ~~Shall~~ *Must* not be granted to offenders:
16 (1) Sentenced to life imprisonment without the possibility of parole.
17 (2) Imprisoned for violations of chapter 201 of NRS who have not
18 been certified by the designated board as eligible for parole.
19 3. The director shall notify appropriate law enforcement authorities
20 in the affected county or city to anticipate the arrival of the offender
21 within their jurisdiction and inform them of the date and time of the
22 offender's arrival, the reason the furlough was granted, the time when the
23 furlough expires and any other pertinent information which the director
24 deems appropriate.

1 4. The director with the approval of the board shall adopt regulations
2 for administering the provisions of this section and governing the conduct
3 of offenders granted a furlough.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 18

ASSEMBLY BILL NO. 18—ASSEMBLYMEN STEWART,
HAYES, MALONE, HORN, BENNETT AND BRADY

JANUARY 22, 1981

Referred to Committee on Judiciary

SUMMARY—Clarifies jurisdiction of judges of juvenile courts. (BDR 5-69)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to juvenile offenders; providing specific jurisdiction to judges in certain cases involving juveniles; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 62 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *Judges of juvenile courts may administer programs which provide for*
- 4 *restitution to victims of crimes by the children who have committed such*
- 5 *crimes.*
- 6 SEC. 2. NRS 62.200 is hereby amended to read as follows:
- 7 62.200 1. If the court finds that the child is within the purview of
- 8 this chapter, it shall so decree and may, by order duly entered, proceed
- 9 as follows:
- 10 (a) Place the child under supervision in his own home or in the cus-
- 11 tody of a suitable person elsewhere, upon such conditions as the court
- 12 may determine.
- 13 (b) Commit the child to the custody or to the guardianship of a public
- 14 or private institution or agency authorized to care for children, or place
- 15 him in a family home. In committing a child to a private institution or
- 16 agency the court shall select one that is required to be licensed by the
- 17 department of human resources to care for such children, or, if such
- 18 institution or agency is in another state, by the analogous department of
- 19 that state. The court shall not commit a female child to a private institu-
- 20 tion without prior approval of the superintendent of the Nevada girls
- 21 training center, and shall not commit a male child to a private institution
- 22 without prior approval of the superintendent of the Nevada youth training
- 23 center.

1 (c) Order such medical, psychiatric, psychologic or other care and
2 treatment as the court deems to be for the best interests of the child,
3 except as herein otherwise provided.

4 (d) Order the parent, guardian, custodian or any other person to
5 refrain from continuing the conduct or neglect which, in the opinion of
6 the court, has caused or tended to cause the child to come within or
7 remain under the provisions of this chapter.

8 (e) Place the child, when he is not in school, under the supervision of
9 a public organization to work on public projects. The person under
10 whose supervision the child is placed shall keep such child busy and well
11 supervised and shall make such reports to the court as it may require.

12 (f) Permit the child to reside in a residence without the immediate
13 supervision of an adult, or exempt the child from mandatory school
14 attendance so that the child may be employed full time, or both, if the
15 child is at least 16 years of age, has demonstrated the capacity to benefit
16 from such placement or exemption and is under the strict supervision of
17 the juvenile division.

18 (g) *Require the child to participate in a program designed to provide*
19 *restitution to the victim or victims of crimes which the child has com-*
20 *mitted.*

21 2. At any time, either on its own volition or for good cause shown,
22 the court may terminate its jurisdiction concerning the child.

23 3. An adjudication by the court upon the status of any child shall
24 not operate to impose any of the civil disabilities ordinarily resulting
25 from conviction, nor shall any child be deemed a criminal by reason of
26 such adjudication, nor shall such adjudication be deemed a conviction,
27 nor shall any child be charged with crime or convicted in any court,
28 except as provided in NRS 62.080. This disposition of a child or any evi-
29 dence given in the court shall not operate to disqualify the child in any
30 future civil service application or appointment; nor shall the name
31 (except as otherwise provided in subsection 4) or race of any such child
32 in connection with any proceedings under this chapter be published in or
33 broadcasted or aired by any news medium without a written order of the
34 court.

35 4. If there have been two prior adjudications that a child has com-
36 mitted offenses which would be felonies if committed by an adult, and
37 the child is charged under this chapter with another such offense, the
38 name of the child and the nature of the charges against him may be
39 released and made available for publication and broadcast.

40 5. Whenever the court commits a child to any institution or agency
41 it shall transmit at the time the child is received at the institution or
42 prior thereto a summary of its information concerning the child. The
43 institution or agency shall give to the court such information concerning
44 such child as the court may at any time require.